

## CHAPTER 2: Planning Commission By-Laws

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### BY-LAWS CITY PLANNING COMMISSION HAMPTON, VIRGINIA

#### Introduction

This Commission was established September, 1952, by Ordinance, which states in part that the Planning Commission shall have the functions, powers, and duties which are prescribed by law.

#### ARTICLE I BOARD OF COMMISSIONERS

- a. **ORGANIZATION/QUALIFICATION OF MEMBERS.** The Commission shall consist of SEVEN (7) members, appointed by City Council as set forth in Hampton City Code §2-202. One member of the Commission may be a member of the City Council, and one member may be a member of the administrative branch of government of the City. All members must reside in the City of Hampton and at least one-half of the members so appointed shall be owners of real property.
- b. **TERM.** The term of the councilmanic member and of the member who is a member of the administrative branch of the city government shall in all cases correspond with their tenure of office. The term of the remaining members of the Commission shall be for four (4) years.
- c. **VACANCIES.** Vacancies shall be filled by appointment by the City Council for the unexpired term only. Any member is eligible for reappointment.
- d. **REMOVAL.** Any member may be removed by the City Council for malfeasance in office.
- e. **COMPENSATION.** The councilmanic member and the member who is a member of the administrative branch of the city government shall serve on the Commission without compensation. The appointed members of the Commission shall receive such compensation as prescribed by City Council.

#### ARTICLE II

#### ELECTION AND DUTIES OF OFFICERS OF THE COMMISSION

- a. **ELECTION OF CHAIR/VICE-CHAIR.** At each regular September meeting, the Commission shall elect from its membership a Chairman and Vice-Chairman to serve for one term of one (1) year. A member of the Commission may hold any one office for up to two consecutive years. Those members shall serve in such capacity unless they resign or are removed from office. Should such a vacancy occur, the office shall be filled at the next regular meeting by election from the membership. Should both offices be vacant, the Secretary shall preside until the election can be held.
- b. **DUTIES OF CHAIR.** The Chairman shall preside over the meetings of the Commission, with the same powers and duties as the other members, with vote but no veto power. He shall be

the official head of the Commission and shall perform such other duties not inconsistent with his office as may be imposed by the Commission. The affairs of the Commission shall be under the general direction of the Chairman. The Chairman in making a motion shall vacate as presiding officer and make a motion as any other member. He shall call the meetings to order promptly at the hour for holding such meetings and, if a quorum be present, shall cause the minutes of the preceding meeting to be read, after which same shall be approved unless a member calls for some correction in said minutes.

c. **DUTIES OF VICE-CHAIR.** The Vice-Chairman, shall act in the absence or inability of the Chairman to act.

d. **ACTING CHAIR.** In the absence of both the Chairman and Vice-Chairman, the Commission shall elect by a majority vote a member as Acting Chairman, who shall preside over the meeting and shall act as Chairman.

### **ARTICLE III**

#### **DUTIES OF THE SECRETARY OF THE COMMISSION**

a. **DESIGNATION OF SECRETARY.** The Commission shall designate the Planning Director or his Authorized Designee to serve, in addition to his regular duties, as Secretary to the Commission; he shall attend all regular and special meetings of the Commission, as well as the meetings of any special committee of the Commission if required. The Secretary shall record the proceedings of the Commission meeting in a journal, which is provided for that purpose, and the same shall be properly indexed.

b. **DUTIES OF SECRETARY.** The Secretary shall perform such other clerical and administrative duties on behalf of the Commission or its members as the Commission may by resolution prescribe.

c. **KEEPING OF COMMISSION ROLL.** The Secretary shall keep a roll of the Commission members in inverse order according to their length of service with the Commission, followed by the member of the administrative branch, then the member of the governing body, and the Chairman, who shall be last. In the event two members shall have the same length of service, alphabetical order shall be used (after inverse order). He shall use this roll in the above order in recording all votes.

### **ARTICLE IV**

#### **MEETINGS OF THE COMMISSION**

a. **REGULAR.** The meeting of the Commission will be open to the public. They shall be held in the City Hall of the City of Hampton, or such other place as designated by the Secretary, at 3:30 p.m. on the first Thursday in each month. The regular meeting of the Commission shall be held as designated above unless such date falls upon a legal holiday, in which case, the meeting shall be held on the next succeeding Thursday, which is not a legal holiday, and at the same hour, except as otherwise provided by special resolution of the Commission.

The Commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued if the Chairman, or Vice-Chairman, if the Chairman is

unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted as the continued meeting and no further advertisement is required. The Commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

b. **ATTENDANCE.** Commission members are encouraged to attend all meetings, regular and special, and to notify the Chairman or the Secretary as soon as possible if unable to attend a meeting. The missing of three (3) regular meetings in succession, or failing to attend at least sixty (60%) percent of regularly scheduled meetings during any calendar year by any member, without sufficient justification, will be reported by the Secretary of the Commission to the Clerk of Council for appropriate action by City Council.

c. **SPECIAL.** The Chairman or any two members of the Commission by written request may direct the Secretary to call a special meeting of the Commission at any time upon at least five days written notice to each member. Written notice of a special meeting is not required if the time of the special meeting has been fixed as a regular meeting or if all the members are present at the special meeting or file a written waiver of notice.

d. **CLOSED MEETINGS.** Closed meetings may be held only in accordance with the Virginia Freedom of Information Act.

e. **PUBLIC HEARINGS.** Public hearings shall be held as required by and in accordance with the State Code. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

1. To ensure that the affairs of the Commission may be conducted in an orderly manner, to ensure that all persons desiring to address the Commission on matters pertinent to it are afforded a opportunity to do so, to permit persons in attendance to observe and hear the proceedings of the Commission without distraction, and to permit the Commission to conduct City business with minimal disruption, Rules for Public Hearings/Comment are established and shall be displayed prior to every regular meeting of the Commission at the back of Chambers and on the projection screen, and may be read in whole or in part at the beginning of every regular meeting of the Commission. Said Rules for Public Hearings/Comment are attached hereto and made a part hereof. The Rules for Public Hearings/Comment may be amended from time to time by a majority of the members of the Commission.

2. No action at a public hearing shall be taken until notice of intention to do so has been published in accordance with the State Code.

3. A record shall be kept of those speaking before a hearing.

## **ARTICLE V**

### **ORDER OF BUSINESS**

a. **REGULAR MEETING.** At every regular meeting the order of business shall be as follows:

1. Call to order and reading of Rules for Public Hearings/Comment
2. Roll call to determine quorum.

3. Consideration and approval of minutes of previous meeting(s).
  4. Agenda for meeting to be prepared by the Secretary, as directed by the Chairman, and to include all items of which he has been notified at least five (5) days before the meeting.
  5. Staff Report
  6. Director's Report
  7. Items to be presented by the Public
  8. Closed Meeting (if advertised)
  9. Unfinished Business
  10. New Business
  11. Adjournment
- b. **SPECIAL MEETING.** The order of business at special meetings shall be as follows:
1. Roll Call to determine quorum
  2. Reading of Call for Special Meeting, if written, or stated, if verbal.
  3. Discussion of business on agenda in order given on agenda.
  4. Adjournment
- c. **DEVIATION FROM ORDER.** The order of business at regular or special meetings shall not be departed from except by the consent of the majority of members attending.
- d. **MINUTES.** The Commission shall keep a set of minutes of all regular and special meetings, and these minutes shall be a public record.

## **ARTICLE VI**

### **PROCEDURE**

- a. **QUORUM.** Four (4) members shall constitute a quorum for the transaction of business. In the absence of a quorum, at the expiration of fifteen minutes from the time appointed for the meeting, the Secretary shall enter upon the minutes the names of the members present, and the meeting shall stand ipso facto adjourned until the next regular meeting or until a new call is issued in the regular way, if it be a special meeting.
- b. **MEMBER DISCUSSIONS.** Members shall address only the Chairman, or address each other through the Chairman. A member must be recognized by the Chairman before proceeding.
- c. **MOTIONS.** All motions shall be restated by the Chairman before a vote is taken. The names of the persons making and seconding motions shall be recorded.
- d. **MOTION FOR RECONSIDERATION.** No motion for reconsideration shall be in order, except by consent of at least four (4) members of the entire Commission, at the same meeting; but no motion to reconsider shall be entertained, unless the same is made by one of the members voting with the prevailing side.
- e. **ABSTENTIONS.** Any member wishing to abstain from voting on any matter before the body shall state for the record the reason for such abstention.

f. **ROBERT'S RULES.** Upon all procedural questions not covered by the By-Laws or State law, the general rule of parliamentary procedure (Robert's Rules of Order, Newly Revised) shall govern. The City Attorney is Parliamentarian of the Commission.

## **ARTICLE VII**

### **CONFLICT OF INTEREST**

The Planning Commission shall comply with the State and Local government Conflict of Interest Act (Section 2.2-3100 *et seq.* of the Code of Virginia of 1950, as amended).

## **ARTICLE VIII**

### **COMMITTEES**

Special and advisory committees may be established by the Commission to make studies or carry out functions of the Commission.

## **ARTICLE IX**

### **AMENDMENT OF BY-LAWS**

The By-Laws may be amended at any meeting by affirmative vote of at least five (5) members, but not until it has been proposed and read in full at a prior meeting.

(Amended August 2008, October 2009, December 2012)